UNITED STATES PATENT AND TRADEMARK OFFICE

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10/613,923	07/03/2003	Richard Green	023895/263693	4681

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Alston & Bird LLP
Bank of America Plaza
101 South Tryon Street
Suite 4000
Charlotte, NC 28280-4000

EXAMINER
SHEIKH, ASFAND M

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 April 2008*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10 and 12-91* is/are pending in the application.

　　4a) Of the above claim(s) *33-56 and 57-81* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10,12-32 and 82-91* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *03 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All   b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date *10/20/03, 10/17/03, and 8/24/05*.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

Election/Restrictions

Claims 33-56 and 57-81 are withdrawn from further consideration

pursuant to 37 CFR 1.142(b), as being drawn to a nonelected

species II and III related to two calculator and adjustor

modules, there being no allowable generic or linking claim.

Applicant timely traversed the restriction (election)

requirement in the reply filed on 4/17/2008.

Claim Objections

The examiner notes claim 11 is missing. Appropriate action is

required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the

basis for all obviousness rejections set forth in this Office

action:

> (a) A patent may not be obtained though the invention is not identically
> disclosed or described as set forth in section 102 of this title, if the
> differences between the subject matter sought to be patented and the prior art
> are such that the subject matter as a whole would have been obvious at the time
> the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 1-5, 7-15 17-22, 24-32, and 82-87 are rejected under 35

U.S.C. 103(a) as being unpatentable over Sheldon et al. (US

5,765,143) in view of Hartman et al. (US 5,987,425 A).

Claims 1, 18, and 82

Sheldon discloses maintaining inventory for a plurality of
products (see at least, abstract) comprising: a first computer
readable storage medium comprising product field for inventory
(see at least, col. 5, lines 65-col. 6, line 43) inventory a
second computer readable storage medium comprising at least one
calculator module comprising computer instructions for
implementing a methodology for controlling inventory of the
product (see at least, col. 5, line 65-col. 6, line 43: the
examiner notes a sales order (e.g. transaction signal) is a
calculating module for the control of inventory); a third
computer readable storage medium comprising at least one
adjustor module comprising computer instructions for
implementing an inventory adjustor methodology for the product
(see at least, col. 6, line 25-43: the examiner notes a
transaction signal to increase or decrease inventory); and a
processing element in communication with said computer readable
storage medium, wherein when said product is selected, said
processing element uses the information stored in the product
fields, the calculator, and the adjustor to control the
inventory of the product (see at least, col. 5, line 65-col. 6,
line 43).

Sheldon fails to disclose product information fields that
are configurable to define controls that are used to manage the
product.

However, Hartman discloses product information fields that
are configurable to define controls that are used to manage the
product (see at least, col. 8, lines 27-57).

It would have been obvious to one of ordinary skill in the
art at the time the invention was made to modify the teachings
of Sheldon to include product information fields that are
configurable to define controls that are used to manage the a
product as taught by Hartman. One of ordinary skill in the art
would have been motivated to combine the teachings in order to
use a computing device to determine a logical relationship
between price and customers' purchasing decisions in order to
automate the calculation of retail prices (see at least,
Hartman, col. 1, lines 63-67).

Claims 2, 19, and 83

Sheldon discloses wherein said first computer readable medium
comprises product information used to manage the inventory of a
plurality of products (see at least, col. 5, lines 65-col. 6,
line 43).

Sheldon fails to disclose product fields that are configurable to define controls that will be used to manage a product.

However, Hartman discloses product fields that are configurable to define controls that will be used to manage a product (see at least, col. 8, lines 27-57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Sheldon to include product fields that are configurable to define controls that will be used to manage a product as taught by Hartman. One of ordinary skill in the art would have been motivated to combine the teachings in order to use a computing device to determine a logical relationship between price and customers' purchasing decisions in order to automate the calculation of retail prices (see at least, Hartman, col. 1, lines 63-67).

Claims 3, 20, and 84
Sheldon discloses said first computer readable medium defines controls that will be used to manage the inventory for each product (see at least, col. 5, lines 65-col. 6, line 43).

Sheldon fails to disclose wherein the product information
fields for each of a plurality of products that are
configurable.

However, Hartman discloses wherein the product information
fields for each of a plurality of products that are configurable
(see at least, col. 8, lines 27-57).

It would have been obvious to one of ordinary skill in the
art at the time the invention was made to modify the teachings
of Sheldon to include wherein the product information fields for
each of a plurality of products that are configurable as taught
by Hartman. One of ordinary skill in the art would have been
motivated to combine the teachings in order to use a computing
device to determine a logical relationship between price and
customers' purchasing decisions in order to automate the
calculation of retail prices (see at least, Hartman, col. 1,
lines 63-67).

Claims 4 and 21

Sheldon fails to disclose wherein for a product said first
computer readable medium includes sub-component data related to
the product.

However, Hartman discloses wherein for a product said first
computer readable medium includes sub-component data related to

the product (see at least, col. 8, lines 27-57: the examiner

notes a plurality of parameters would be sub-components).

It would have been obvious to one of ordinary skill in the

art at the time the invention was made to modify the teachings

of Sheldon to include wherein for a product said first computer

readable medium includes sub-component data related to the

product as taught by Hartman. One of ordinary skill in the art

would have been motivated to combine the teachings in order to

use a computing device to determine a logical relationship

between price and customers' purchasing decisions in order to

automate the calculation of retail prices (see at least,

Hartman, col. 1, lines 63-67).

Claims 5 and 22

Sheldon discloses the use of marketing data as it relates to a

product used in marketing (see at least, col. 5, lines 65-col.

6, line 43).

Sheldon fails to disclose sub-component data related to the

product.

However, Hartman discloses wherein for a product said first

computer readable medium includes sub-component data related to

the product (see at least, col. 8, lines 27-57: the examiner

notes a plurality of parameters would be sub-components).

It would have been obvious to one of ordinary skill in the
art at the time the invention was made to modify the teachings
of Sheldon to include wherein for a product said first computer
readable medium includes sub-component data related to the
product as taught by Hartman. One of ordinary skill in the art
would have been motivated to combine the teachings in order to
use a computing device to determine a logical relationship
between price and customers' purchasing decisions in order to
automate the calculation of retail prices (see at least,
Hartman, col. 1, lines 63-67).

Claims 7, 24, and 85

Sheldon discloses an inventory methodology used for at least one
of control or adjust inventory for the product (see at least,
col. 5, lines 65-col. 6, line 43).

Sheldon fails to disclose sub-component data related to the
product.

However, Hartman discloses wherein for a product said first
computer readable medium includes sub-component data related to
the product (see at least, col. 8, lines 27-57: the examiner
notes a plurality of parameters would be sub-components).

It would have been obvious to one of ordinary skill in the
art at the time the invention was made to modify the teachings

of Sheldon to include wherein for a product said first computer
readable medium includes sub-component data related to the
product as taught by Hartman. One of ordinary skill in the art
would have been motivated to combine the teachings in order to
use a computing device to determine a logical relationship
between price and customers' purchasing decisions in order to
automate the calculation of retail prices (see at least,
Hartman, col. 1, lines 63-67).

Claims 8 and 25

Sheldon fails to disclose wherein the sub-component data
includes information related to relationships with other sub-
components of the product.

 However Harman discloses wherein the sub-component data
includes information related to relationships with other sub-
components of the product (see at least, col. 8, lines 27-57).

 It would have been obvious to one of ordinary skill in the
art at the time the invention was made to modify the teachings
of Sheldon to include wherein the sub-component data includes
information related to relationships with other sub-components
of the product as taught by Hartman. One of ordinary skill in
the art would have been motivated to combine the teachings in
order to use a computing device to determine a logical

relationship between price and customers' purchasing decisions

in order to automate the calculation of retail prices (see at

least, Hartman, col. 1, lines 63-67).

Claims 9, 26, and 86

Sheldon fails to disclose wherein for a product said first

computer readable medium includes sub-type data related to the

product sub-component.

However Harman discloses wherein for a product said first

computer readable medium includes sub-type data related to the

product sub-component (see at least, col. 8, lines 27-57: the

examiner notes the examiner notes price would be a sub-type

data).

It would have been obvious to one of ordinary skill in the

art at the time the invention was made to modify the teachings

of Sheldon to herein for a product said first computer readable

medium includes sub-type data related to the product sub-

component as taught by Hartman. One of ordinary skill in the

art would have been motivated to combine the teachings in order

to use a computing device to determine a logical relationship

between price and customers' purchasing decisions in order to

automate the calculation of retail prices (see at least,

Hartman, col. 1, lines 63-67).

Claims 10 and 27

Sheldon discloses wherein data comprises an identification value

assigned to the product sub-component (see at least, col. 7,

lines 1-6).

Sheldon fails to disclose sub-type data.

However Harman discloses wherein for a product said first

computer readable medium includes sub-type data related to the

product sub-component (see at least, col. 8, lines 27-57: the

examiner notes the examiner notes price would be a sub-type

data).

It would have been obvious to one of ordinary skill in the

art at the time the invention was made to modify the teachings

of Sheldon to herein for a product said first computer readable

medium includes sub-type data related to the product sub-

component as taught by Hartman. One of ordinary skill in the

art would have been motivated to combine the teachings in order

to use a computing device to determine a logical relationship

between price and customers' purchasing decisions in order to

automate the calculation of retail prices (see at least,

Hartman, col. 1, lines 63-67).

Claims 12 and 28

Sheldon disclose wherein data comprises values to allot
quantities of inventory and control notification of use of the
inventory (see at least, col. 5, lines 65-col. 6, line 43).

Sheldon fails to disclose sub-type data.

However Harman discloses wherein for a product said first
computer readable medium includes sub-type data related to the
product sub-component (see at least, col. 8, lines 27-57: the
examiner notes the examiner notes price would be a sub-type
data).

It would have been obvious to one of ordinary skill in the
art at the time the invention was made to modify the teachings
of Sheldon to herein for a product said first computer readable
medium includes sub-type data related to the product sub-
component as taught by Hartman. One of ordinary skill in the
art would have been motivated to combine the teachings in order
to use a computing device to determine a logical relationship
between price and customers' purchasing decisions in order to
automate the calculation of retail prices (see at least,
Hartman, col. 1, lines 63-67).

Claims 13 and 29

Sheldon discloses wherein data comprises values representing

hierarchy under which the product is placed relative to other

product, wherein said values are used during a sell or cancel

adjustment to the inventory of the product (see at least, col.

5, lines 65-col. 6, line 43).

Sheldon fails to disclose sub-type data.

However Harman discloses wherein for a product said first

computer readable medium includes sub-type data related to the

product sub-component (see at least, col. 8, lines 27-57: the

examiner notes the examiner notes price would be a sub-type

data).

It would have been obvious to one of ordinary skill in the

art at the time the invention was made to modify the teachings

of Sheldon to herein for a product said first computer readable

medium includes sub-type data related to the product sub-

component as taught by Hartman. One of ordinary skill in the

art would have been motivated to combine the teachings in order

to use a computing device to determine a logical relationship

between price and customers' purchasing decisions in order to

automate the calculation of retail prices (see at least,

Hartman, col. 1, lines 63-67).

Claims 14, 30, and 87

Sheldon discloses wherein for a product said first computer-readable medium includes market control information (see at least, col. 5, lines 65-col. 6, line 43).

Claims 15 and 31

Sheldon discloses wherein said market control information is selected from the group consisting of identification of the product, when the product is being used, when the product is being purchased, where the product is being sold, how the product is being used, and a **market value** (see at least, col. 5, lines 65-col. 6, line 43: the examiner notes market value).

Claim 16 and 32

Sheldon fails to disclose wherein said market control information comprises a weighted value for a requested market against all other possible markets for the product.

However Harman discloses wherein said market control information comprises a weighted value for a requested market against all other possible markets for the product (see at least, col. 8, lines 27-57: the examiner notes calculating a price based on a pool).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Sheldon to include wherein said market control information comprises a weighted value for a requested market against all other possible markets for the product as taught by Hartman. One of ordinary skill in the art would have been motivated to combine the teachings in order to use a computing device to determine a logical relationship between price and customers' purchasing decisions in order to automate the calculation of retail prices (see at least, Hartman, col. 1, lines 63-67).

Claim 17

Sheldon discloses wherein at least two of said first, second, and third computer readable mediums are comprised in the same computer readable medium.

Claims 6 and 23 and 88-91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheldon et al. (US 5,765,143) in view of Hartman et al. (US 5,987,425 A) as applied to claim 1, 18, and 82 above, and in further view of Examiner's Official Notice.

Claims 6 and 23

Sheldon in view of Hartman fails to disclose wherein the sub-component data includes information related to the time, date, and location where the product is used.

The examiner takes official notice that it is old and well known in the database arts to include component data that includes information with respect to time, date, and location (e.g. fields within the database that represent a timestamp and location information) for a given data entry.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Sheldon in view of Hartman to include component data that includes information with respect to time, date, and location as known in the arts in order to more effectively track the items correctly within a data table.

Claims 88 and 90

Sheldon discloses one adjuster module and one calculator module
(see claim 1, 18, and 82) however Sheldon in view of Hartman
fails to disclose wherein the computer readable medium comprises
at least two adjustor modules, wherein each modules comprises
computer instructions for implementing an inventory adjustment
methodology and least two calculator modules, wherein each
module comprises computer instructions for implementing a
different methodology of controlling inventory of the product,
and wherein said selecting comprises selecting one of said
calculator modules to use with the product

The examiner takes official notice that it is old and well
known in the computing arts to have multiple redundant modules
that perform the same task in order to better pipeline data
calculation (e.g. parallel computation) in order to achieve
quicker and faster computations.

It would have been obvious to one of ordinary skill in the
art at the time the invention was made to modify the teachings
of Sheldon in view of Hartman to include multiple redundant
modules that perform the same task in order to better pipeline
data calculation as known in the arts in order to achieve
quicker and faster computations.

Claim 89

Sheldon discloses wherein said selecting comprises selecting one of said adjustor modules to use with the product and wherein at least on the adjustor modules includes computer instructions for implementing an inventory adjustment based on a methodology selected from the group consisting of net availability, net availability with capping, and **threshold availability** (see at least, col. 8,l lines 24-30: the examiner notes the total demand potential would be threshold availability).

Claim 91

Sheldon discloses wherein at least one of the calculator modules includes computer instructions for implementing an inventory calculator based on a methodology selected from the group consisting of sub-type nesting, **sub-component nesting**, static virtual nesting, dynamic virtual nesting, and continuous nesting (see at least, col. 8, lines 3-33: the examiner notes a weighted average and trend factor is a form of sub-component nesting).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asfand M. Sheikh whose telephone number is (571)272-1466. The examiner can normally be reached on M-F 8a-4:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan M. Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Asfand M Sheikh/
Examiner, Art Unit 3627

August 4, 2008

/Ramsey Refai/
Examiner, Art Unit 3627

for Ryan Zeender SPE